

MAIL STOP PCT
Patent
3007-1028

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Paul WIGHTMAN

Conf. 1007

Application No. 10/525,757
(PCT/GB03/03788)

Group Unknown

Filed February 28, 2005

Examiner Unknown

IMPROVEMENTS IN AND RELATING TO URINE COLLECTION DEVICES AND
URINE COLLECTION SYSTEMS

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

MAIL STOP PCT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the accompanying Notification of Missing Requirements Under 35 U.S.C. 371 mailed July 25, 2005, we enclose herewith the executed declaration in compliance with 37 CFR 1.497.

The required 37 CFR 1.492(e) surcharge was paid at the time of filing the application.

The Notification of Missing Requirements also indicates that the preliminary amendment filed on February 28, 2005 has somehow not been entered "because the amendment does not reflect the new claims that were submitted with the article 34." The Notification also requests \$180 for the alleged presence of multiple dependent claims.

It is however pointed out that Section 1893.01 (a)(3) of the MPEP states that if the annexes are in English, they will normally be entered into the U.S. national stage application by the Office absent a clear instruction by the applicant to the contrary.

In the instant case the international application was originally filed with claims 1-18, which were replaced with amended claims 1-17 during chapter II of the international stage. Upon entry into the national stage, applicant filed a preliminary amendment, which unambiguously and clearly states: "This listing of claims will replace all prior versions, and listing of claims in this application." The preliminary amendment then proceeded to cancel all previous claims 1-18 and add new claims 19-35, in accordance with the MPEP. Thus it is clear that applicant intends to have new claims 19-35 examined.

Since claims 19-35 are not multiply dependent, no additional fee is due. Section 1893.01 (c) of the MPEP clearly states that: "A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(b)-(c) and/or eliminate the multiple dependent claim fee require under 37 CFR 1.492(d)".

Respectfully submitted,

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BC/maf

September 26, 2005

Rec'd PCT/PTO 26 SEP 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,757	Paul Wightman	3007-1028

INTERNATIONAL APPLICATION NO.

PCT/GB03/03788

I.A. FILING DATE	PRIORITY DATE
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08/28/2003

08/28/2002

00466
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 2ND FLOOR
 ARLINGTON, VA 22202

COPY

CONFIRMATION NO. 1007-

371 FORMALITIES LETTER



OC000000016534056

Date Mailed: 07/25/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/28/2005
- Copy of the International Search Report filed on 02/28/2005
- Preliminary Amendments filed on 02/28/2005
- Information Disclosure Statements filed on 02/28/2005
- Request for Immediate Examination filed on 02/28/2005
- U.S. Basic National Fees filed on 02/28/2005
- Priority Documents filed on 02/28/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$180 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$180 for a Small Entity:

Additionally the following defects have been observed:

- Preliminary Amendments have not been entered because the amendment doesn't reflect the new claims that were submitted with the article 34.
- Total additional claim fee(s) for this application is \$ 180
 - \$180 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,757	PCT/GB03/03788	3007-1028